

October 24, 2007

71  
SALLY L. FRAZIER, Ed  
Superintendent

Centers for Medicare & Medicaid Services,  
Department of Health and Human Services,  
Attention: CMS-2287-P,  
Mail Stop S3-14-22  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Ladies and Gentlemen:

This is in response to the proposed rule CMS-2287-P, which would stop public schools from receiving federal reimbursement for a variety of administrative activities. These activities include identifying students who need screenings and evaluations, scheduling physical and mental health services for students and their families, and connecting students and their families with physical and mental health services in their communities. These activities are generally performed for students that are physically and/or mentally disabled or delayed and/or fragile or otherwise determined to be at risk. Many of these services are **mandated** under the Individuals with Disabilities Education Act (IDEA). Therefore this action would substantially increase the financial burden on already impacted school districts and could limit the extent to which these services could be provided.

Further, in California, a school-based claiming guide which was approved by the Centers for Medicare and Medicaid Services is in use. Oversight monitoring visits to California have resulted in positive reports.

Removal of the ability to claim reimbursement for services provided to our citizens who need assistance the most would be detrimental to our schools, our students and their families, and to our society as a whole. We encourage you **not** to proceed with rule CMS-2287-P.

Sincerely,

Geri Kendall Cox  
Chief Business & Administrative Services Officer



# Santa Ana Unified School District

72

Jane A. Russo, Superintendent of Schools

October 15, 2007

Centers for Medicare & Medicaid Services  
Department of Health and Human Services, Attention: CMS-2287- P  
Mail Stop S3-14-22, 7500 Security Boulevard  
Baltimore , MD 21244

Dear Sir,

I would like to object to the regulations proposed to eliminate federal Medicaid reimbursement to schools which will affect school districts' ability to provide transportation and administrative services to Medicaid-eligible children with disabilities (CMS-2287-P).

The U.S. Department of Health and Human Services proposed changes would stop school districts from receiving federal reimbursement for an estimated \$3.6 billion over five years in Medicaid services provided to children with disabilities.

I am very concerned that this action would reduce the availability of and access to needed health and developmental services for students with Individual Education Plans (IEPs) and other low-income children with special needs, for whom school is their primary site for healthcare delivery. Schools rely on these reimbursements for a variety of purposes such as outfitting buses with specialized equipment, transporting children to school for their medical appointments, identifying students who need screenings and evaluations, and connecting children and their families with other needed services in their community.

The loss of these resources could mean that schools have to lay off nurses and social workers, curtail their referral services, and/or scale back enhancements for school buses. Furthermore, since many of these services are mandated under the Individuals with Disabilities Education Act (IDEA) law, this action would substantially increase the burden on already financially-strapped local school districts. As a result, this rule is likely to impact students in regular education programs as well through cuts to electives, after school activities, arts and music programs, and/or reductions in teachers and support positions.

Sincerely,

A handwritten signature in cursive script that reads "Doreen Lohnes".

Doreen Lohnes  
Assistant Superintendent, Support Services  
Santa Ana Unified School District

1601 E. Chestnut Avenue, Santa Ana, California 92701 (714) 558-5501

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# HAYES CENTER PUBLIC SCHOOLS

500 Troth Street • P.O. Box 8

HAYES CENTER, NEBRASKA 69032

Elementary (308) 286-5601 • High School (308) 286-5600 • FAX: (308) 286-5629

Kathryn Repass - Superintendent  
Brian Hof - Principal



2007 OCT 10 PM 9:20

The Honorable Michael Leavitt  
Secretary, Health and Human Services  
Washington, DC 20515

I would like to express my opposition to CMS 2278-P. Please stop CMS 2278-P. Without these programs both special education and general education children will suffer.

Kate Repass  
Superintendent Hayes Center Schools

# St. Paul Public School

DISTRICT NO. 1

P.O. Box 325

St. Paul, Nebraska 68873

Phone (308) 754-4433

Fax 308-754-5374



JOHN WEITZEL  
SECONDARY PRINCIPAL

DOUGLAS ACKLES  
SUPERINTENDENT

KRISTEN UHRMACHER  
ELEMENTARY PRINCIPAL

September 20, 2007

The Honorable Michael Leavitt  
200 Independence Avenue South West  
Room 615F  
Washington, DC 20201

2007 OCT 10 PM 9:20

Dear Honorable Leavitt,

I am writing to you about the possible end to IDEA-related federal reimbursement to public schools being proposed by the U.S. Department of Health and Human Services. The Center for Medicare and Medicaid Services initiated a rulemaking process to implement these proposed changes. The rule is CMS-2287-P.

If this funding were to be eliminated, it would have a dire effect on public school funding. Sir, in the St. Paul Public School District, we received over \$100,000 in the 2006-2007 school year. We used these funds to offset the costs of special education that are not covered by state or federal reimbursement. Our special education budget is \$880,000 out of a \$6,000,000 general fund budget. In the past we received approximately 60% reimbursement from the state and very little from the federal government. This NEB-MAC funding is the first time that the federal government has seriously tried to meet its obligation since the passage of PL 94-142.

Your assistance in retaining this funding for public schools will be greatly appreciated.

Sincerely,

Douglas Ackles  
Superintendent of Schools  
St. Paul Public Schools  
St. Paul, NE 68873



ORLAND

UNIFIED SCHOOL DISTRICT

Family • Schools • Community

75

1320 Sixth Street  
Orland, CA 95963  
(530) 865-1200  
Fax (530) 865-1202

September 18, 2007

Dear Secretary Leavitt,

It has come to our attention that CMS has proposed eliminating reimbursement under Medicaid for school administrative expenditures and costs related to transportation. The cancellation of this program would significantly impact our district. Orland Unified School District in Northern California has used the Medicaid reimbursements to directly benefit our students. Some examples of how the money has been spent include:

- ❑ We have used the Medicaid funds to provide additional counseling and therapeutic support to those students who do not have access to services through either private pay insurance or the county mental health department. We have done this by utilizing interns, closely supervised by both district psychologists and local university professors, who maintain close contact with us. Our county mental health department is impacted and cannot support all of the students who have emotional issues that affect their education, even if they qualify for and have Medi-Cal.
- ❑ Orland Unified hired two part time health clerks with Medicaid funds. We have one school nurse for 2500 students and four school sites. Hiring the health aides added additional first aid support at our K-5 schools. Between the nurse and the health clerks, we have 90% coverage at the K-5 schools. Elimination of the funds would put our students' health at risk.
- ❑ We provided dental screening to 175 fourth grade students. Referrals to dental care and assistance in obtaining health insurance were provided along with the referrals.
- ❑ The fifth grade teachers purchased science materials for the Human Body unit that they teach.
- ❑ We purchased two vans to provide transportation for extra-curricular activities such as the tennis, swimming and volleyball teams and the debate team.
- ❑ Using well-documented results that students learn better in a newer, fresher classroom, we replaced damaged classroom desks and chairs.

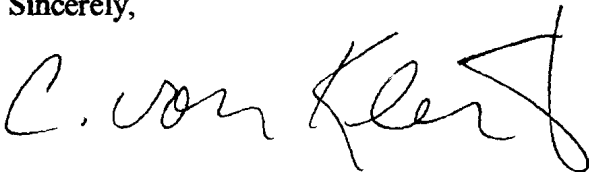
Secretary Leavitt  
Page 2  
September 18, 2007

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- ❑ Rather than waiting years and spending funds on putting “band-aids” on computers, we were able to replace our oldest student computers with MAA funds.
- ❑ The purchase of a new Titmus II vision screener and an audiometer is planned for the school nurse.
- ❑ Medicaid funds are overwhelmingly beneficial to our students. Our district has 79 % free and reduced price lunches, thus many of our students are economically disadvantaged. With that in mind, purchases of the following consumables have benefited our students.
  - Sports equipment
  - Health assembly prizes
  - “Caught you eating good” snack prizes
  - DVD players used in classrooms for movies on health units
  - Art supplies
  - Books for classroom libraries
  - Educational field trips

Medicaid reimbursements have had such a positive impact on our students and our district. Eliminating the funds would have a devastating effect on every student at Orland Unified School District. Without the Medicaid funds, none of the above activities could have become reality. We urge you to reconsider this proposal as it would have a devastating financial impact on school districts who are performing the administrative activities under this program and utilizing the reimbursements in a positive way that enhances the lives of their students.

Sincerely,



Chris von Kleist  
Superintendent



## MODOC COUNTY OFFICE OF EDUCATION

139 HENDERSON STREET  
ALTURAS, CALIFORNIA 96101

530-233-7101

530-233-5531 (FAX)

[www.modoccoe.k12.ca.us](http://www.modoccoe.k12.ca.us)

*Promoting the academi  
social, and vocational  
excellence of all Modoc  
County students.*

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### ADMINISTRATION

GARY L. JONES  
SUPERINTENDENT

September 19, 2007

PETER CURREN  
ASSISTANT  
SUPERINTENDENT

Centers for Medicare & Medicaid Services,  
Department of Health and Human Services,  
Attention: CMS-2287-P, CMS-2287-P 3

RANDY WISE  
ASSISTANT  
SUPERINTENDENT

Mail Stop S3-14-22  
7500 Security Boulevard  
Baltimore, MD 21244

CAROL SILVERIA  
CHIEF BUSINESS  
OFFICIAL

### BOARD OF EDUCATION

JAMES HARRIS  
PRESIDENT

To whom it may concern:

**CMS Rule 2287-P should be rejected and school-based Medicaid administrative claiming programs maintained.**

DIXIE SERVER  
VICE PRESIDENT

This rule eliminates the reimbursement under Medicaid for school administration expenditures and costs related to the transportation of students between home and school. However, schools are the primary gateway to Medicaid Assistance for a significant segment of our school children in Modoc County, California.

JIM HAYS  
MEMBER

Rule CMS-2287-P is incorrect in its recommendations and CMS should instead continue to support Medicaid administrative claiming in schools. CMS's main arguments are purposefully erroneous or based on incredible ignorance of school systems and the populations we serve.

MARCELLA HAYNES  
MEMBER

REBEKAH INGRAHAM  
MEMBER

### SERVICES

HUMAN RESOURCES  
530-233-7103

1. Schools are not strictly educational agencies. Our work with and financial support of Medicaid outreach, eligibility, referral, coordination, and monitoring of health services supports the goals and objectives of state Medicaid agencies. The Modoc County Office of Education, for example, has established Family Resource Centers in communities so that public and private health and welfare agencies can provide care and services to students and their families.

SPECIAL EDUCATION  
530-233-7110

BUSINESS OFFICE  
530-233-7108

2. State Medicaid employees are not available to the rural districts of my county. It is unreasonable to expect the presence of a state Medicaid employee at each school district, and it would be economically inefficient

MEDIA CENTER  
530-233-7123

TECHNOLOGY  
530-233-7169

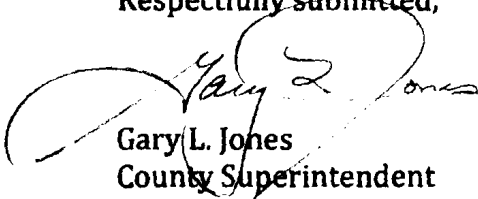
when compared to the current school-based administrative claiming. Even as it is, our state's Medicaid agency only reimburses our schools for a small portion of the time that they spend serving Medicaid eligible students.

3. The activities performed by our school employees are specifically authorized by our state Medicaid agency, and therefore are eligible for cost reimbursement. School-based administrative claiming provides for state oversight in our school districts that contract with a local governmental agency that in turn contracts with the responsible state Medicaid agency for the provision of these services. The state Medicaid agency authorizes these services through our state's plan, oversight, and audits.

4. CMS's claim that School Medicaid administrative reimbursement dollars have exceeded school Medicaid assistance dollars appears to be an attempt to establish a falsehood: that there is a direct correlation between the provision of Medicaid services and Medicaid administration within schools. This claim obfuscates the fact there is no direct correlation between the provision of Medicaid services and Medicaid administration within schools. Schools may direct medical services through their nurses, but they more often refer and connect students to other community health service providers and contract with outside health professionals for in-school programs. There can be no surprise then that schools spend more on administrative activities than on direct medical assistance. Our school personnel more often coordinate care as opposed to delivering care.

CMS Rule 2287-P will negatively affect the physical and mental health of the children of my county and must be rejected. If anything, the Centers for Medicare & Medicaid Services should be looking for ways to increase funding to schools to provide Medicaid administration. Our schools are currently subsidizing the costs of services from our educational funds for health services that the Department Of Health and Human Services should be providing to our children and their families.

Respectfully submitted,



Gary L. Jones  
County Superintendent





**Arturo Barrera**  
Superintendent

**Board of Education**

Ray Gollnick  
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**Glenn County Office of Education**

311 S. Villa Avenue  
Willows, CA 95988  
530-934-6575  
FAX 530-934-6576

**Glenn County Learning**

**Center - North**

P.O. Box 817  
607 E. Tehama St.  
Orland, CA 95963  
530-865-1683  
FAX 530-865-1688

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451 S. Villa Avenue  
Willows, CA 95988  
530-934-6320  
FAX 530-934-6325

**Orland Administration Office**

P.O. Box 817  
676 E. Walker Street  
Orland, CA 95963  
530-865-1267  
FAX 530-865-1276

October 25, 2007

Dear Secretary Leavitt,

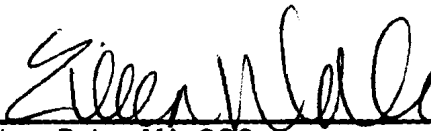
My name is Eileen Dolan. I am the regional support person in Northern California for the School-based Medicaid Administrative Activities program. We represent 9 counties and currently have 9 County Offices of Education and 131 school districts that receive reimbursement under the program.

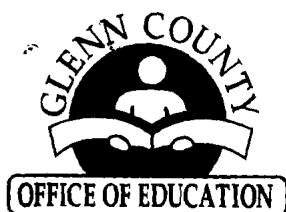
As you will be able to see through the letters enclosed in this package, the reimbursements generated through this program in northern California have provided a very positive and significant economic impact on the participating schools. If this program were to be eliminated, these schools would be faced with the daunting decision of cutting vital health services to children. This is not an option in education today. Schools are required to provide health services to students and are mandated to serve all students regardless of their needs. To say to parents, "sorry, we can no longer serve your child as we once did", is not an option. The only option is that schools will be forced to make cuts to **all** programs that affect **all** students in school today. Health services, physical fitness programs, arts, music, sports, technical training, vocational training, after school programs, awards programs, mentoring programs and much more would be hard hit by cuts or eliminated all together. We cannot afford to take steps backward in offering sound programs and services to all students. The economic impact to schools should CMS 2287-P go into effect would go beyond any reasonable manner that schools could deal with. Schools would still be faced with providing the health services that justify the reimbursement (and watching the same services still being reimbursed in the private sector); however, they would have to face very tough decisions as to how to accomplish both feats.

We cannot afford to put children in the middle of this issue. The very reason that this program was originally brought to schools has not changed. Schools provide both educational programs to students as well as most all of the health services that are needed. This cannot be recognized and reimbursed for years and then taken away because CMS is not sure how to oversee the program. CMS and schools cannot afford the economic impact or the lack of respect to education this proposal would bring.

Please take a closer look at how viable and integral this program is in the lives of schools and children. Can you really make the statement that "schools are not necessary for the proper and efficient administration of the state Medicaid plan" when all evidence contradicts that?

Sincerely,

  
Eileen Dolan, MA, CCC  
LEC Region 2, Northeastern California  
P. O. Box 817  
Orland, CA 95963  
530-865-1267 ext. 3030  
edolan@glenncoe.org



September 10, 2007

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**Arturo Barrera**  
Superintendent

**Board of Education**

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Orland Area

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- Regional Occupational Programs
- Senior Nutrition
- Student Services
- Technology
- William Finch Charter School

**Glenn County Office of Education**

311 S. Villa Avenue  
Willows, CA 95988  
530-934-6575  
FAX 530-934-6576

**Glenn County Learning**

**Center - North**

P.O. Box 817  
607 E. Tehama St.  
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FAX 530-934-6325

**Orland Administration Office**

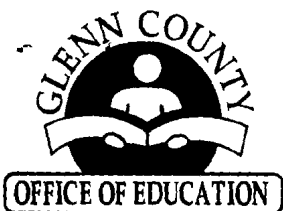
P.O. Box 817  
676 E. Walker Street  
Orland, CA 95963  
530-865-1267  
FAX 530-865-1276

Dear Secretary Leavitt,

As Superintendent of Glenn County Office of Education in northern California, I was extremely alarmed to see the proposed rule from CMS (CMS-2287-P) published on September 7, 2007, to eliminate the Medicaid administrative and transportation services to schools. The finding that this proposal would not have a significant economic impact on school districts is gravely wrong. The reimbursements generated through this program have provided a very positive and significant economic impact to school districts across the nation. If this program were to be cut, schools would be faced with the daunting task of having to cut vital health services to children. This is not an option in our current climate of providing full inclusion of all students, regardless of their educational or health needs, in regular classrooms. Special education and health services are costly, under funded, and are an economic drain to schools while at the same time providing a positive and enriching education for all students. It is important to remember that this is a reimbursement program, not an entitlement program. The services and programs once provided only in the private sector are now being provided in schools. To deny this reimbursement to schools, while still recognizing and reimbursing the same services in the private sector, shows a lack of respect and support for the work being done in schools today.

On a personal level, Glenn County Office of Education has participated in this program since 1997. We not only participate as an LEA but also as the overseeing agency for the 9 counties in northern California. We provide a much needed and valuable service to our neighboring County Offices and school districts with our regional support. We take great pride in not only assuring that the program is viable and maximizes the allowable reimbursement to our schools but also taking every precaution to assure that our schools are following the guidelines set forth by CMS so that improper billing is not being done.

As an LEA, we have been able to use our reimbursements to offset the high cost of providing special education and health services to our district schools. When these costs have exceeded our allotment from the state, we would have been forced to pass these excess costs on to our districts. The reimbursement we received through the Medicaid dollars made it possible to pay these costs without burdening the districts with them. This is a win-win



**Arturo Barrera**

Superintendent

**Board of Education**

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Orland Area

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Hamilton Area

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Student Services

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William Finch Charter School

**Glenn County Office of Education**

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Willows, CA 95988  
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FAX 530-934-6576

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P.O. Box 817  
607 E. Tehama St.  
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FAX 530-865-1688

**Glenn County Learning**

**Center - South**

451 S. Villa Avenue  
Willows, CA 95988  
530-934-6320  
FAX 530-934-6325

**Orland Administration Office**

P.O. Box 817  
676 E. Walker Street  
Orland, CA 95963  
530-865-1267  
FAX 530-865-1276

situation for both us and our districts. We are reimbursed for the health services that we provide to the students in our districts and then able to pass this back to the districts without additional financial hardship to them. If we were not able to continue to receive reimbursements for our health services, the economic impact of this would be profound. Maintaining this level of service as a County Office without the reimbursement would force us to cut services and programs to children.

I am urging you to take a very close look at the economic impact this proposal would mean to schools across the nation. It would be taking a huge step backwards, not only economically, but also in the tremendous recognition of how important schools are in the delivery of health services to students. We cannot afford the economic implication or the lack of respect to education this proposal would bring.

Sincerely,

---

Arturo Barrera  
Superintendent of Schools  
Glenn County Office of Education  
311 S. Villa Ave.  
Willows, CA 95988  
(530) 934-6575



# Trinity County OFFICE OF EDUCATION

79

<http://www.tcoe.trinity.k12.ca.us>

September 19, 2007

Dear Secretary Leavitt,

This is a letter in opposition to CMS-2287-P, which would eliminate school-based Medicaid administrative claiming and certain transportation services. Do not take this vital program away from the children living in our rural community. The loss of over \$600,000 from Medicaid funding would be very significant in our County.

Medicaid reimbursements help to provide outreach to connect children and families to needed health services. Assistance is provided to inform families about Medicaid coverage and to complete the application form, enabling children to receive care that they may not have otherwise obtained due to financial need. There is no doubt that these services will be reduced with the loss of Medicaid reimbursements.

Other benefits and services for Trinity County children as a result of Medicaid funding:

- \* Dental education to promote healthy oral hygiene and prevention of caries
- \* Outreach and coordination efforts to bring a dental van to Trinity County to screen and treat over 100 children a year during seven school years. Until fall of 2006, we did not have any Denti-Cal providers for the vast majority of the county. Children had to travel to either Humboldt or Shasta County for care.
- \* Expansion of counseling services for children to address mental/emotional/social health needs
- \* Maintenance of other support services for children, including speech screening and therapy and nursing services
- \* School and community efforts resulted in a new clinic and health services in a remote area
- \* New Health and Human Services satellite sites were established in two communities, allowing families to sign up for Medicaid in their own town, through school and community efforts

In the 2003 CMS document entitled 'Medicaid School-Based Administrative Claiming Guide', CMS states on page two that "Expenditures for administrative activities in support of these school-based services, including outreach and coordination, may be claimed *as costs of administering the state Medicaid plan*". Yet CMS now argues that the services do not meet the statutory test of being necessary for the proper and efficient administration of the State plan, and that only employees of the State or local Medicaid agency can properly conduct the Medicaid activities. CMS sites inconsistent application of Medicaid requirements by schools as the reason for this determination. That is to say, for example, that the Public Health Nurse can intellectually understand and conduct

James B. French, Trinity County Superintendent of Schools

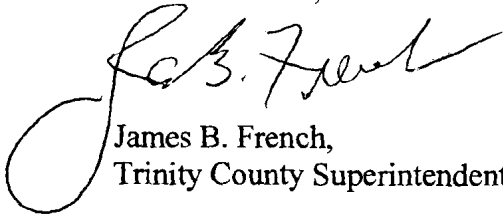
Medicaid activities, but not the School Nurse, who has the same Public Health Certification in addition to a Health Services Credential.

If some schools are inappropriately claiming, then deal with those schools. Don't eliminate the entire program. In addition, provide improved oversight and guidance so that the school based Medicaid program can meet performance expectations and continue to provide vital services.

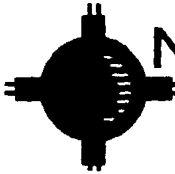
Regarding the CMS concern that school administrative reimbursements may exceed direct service reimbursements, remember that we link and refer children to ALL medical providers, not just our own. There are many more providers in the community than in schools and an obviously great need to connect children to medical care, as supported by legitimate claiming activities.

Without the critical work of schools, Medicaid services would be significantly reduced for the children here who need it the most. We urge you not to allow proposed rule CMS-2287-P to go into effect.

In Good Health,

A handwritten signature in black ink, appearing to read "J.B. French". The signature is written in a cursive style with a large, looping initial "J".

James B. French,  
Trinity County Superintendent of Schools



# New Mexico Human Services Department

Bill Richardson, Governor  
Pamela S. Hyde, J.D., Secretary

Medical Assistance Division  
PO Box 2348  
Santa Fe, NM 87504-2348  
Phone: (505) 827-3103

September 24, 2007

Centers for Medicare & Medicaid Services  
Department of Health & Human Services  
**Attention: CMS 2287-P**  
Mail Stop S3-14-22  
7500 Security Boulevard  
Baltimore, Maryland 21244

To Whom It May Concern:

The purpose of this letter is to submit written comments to the Centers for Medicare and Medicaid Services (CMS) from the New Mexico Human Services Department (HSD) Medical Assistance Division (MAD) concerning proposed rule **CMS 2287-P**, which would eliminate Medicaid reimbursement for school-based administrative expenditures and costs related to the transportation of school-age children between home and school. HSD/MAD is very concerned about the financial impact of the proposed rule on New Mexico schools, and the potential barriers the rule will create for children and families trying to access and maintain Medicaid coverage in our state.

## I. Supplementary Information: Background

### B: Medicaid and Schools

This section of the proposed rule states that the rule would represent “the Secretary’s determination that Medicaid expenditures for such school-based administrative activities do not meet the statutory test under section 1903(a)(7) of being ‘necessary... for the proper and efficient administration of the State Plan’”. The section further states that administrative activities, including Medicaid outreach and enrollment, “can only be properly conducted, overseen and appropriately allocated to Medicaid when conducted by employees of the State or local Medicaid agency”.

All states are required to provide children opportunities to apply for Medicaid at locations other than state agency offices. Studies by the Kaiser Commission and by George Washington University have found that parents say they are much more likely to enroll their children in Medicaid if they can do so in convenient locations within the community, such as a doctor’s office or clinic, or a school or day care center.

In a letter from former Secretary of the Department of Health and Human Services (DHHS), Timothy Westmoreland, to state Medicaid directors (SMDL #01-008, January

18, 2001), states are encouraged to expand efforts to enroll families in the Medicaid program. In the letter, suggested sites for enrollment and outreach activities include schools and other programs that provide support services to families and children. The letter further indicates that “states may use State employees, provider or contractor employees, or volunteers who have been properly trained to staff outstation locations” and that “states are free to outstation eligibility workers at any location that they believe will help facilitate the enrollment of families and children into Medicaid”.

The single most important function of the Medicaid school-based administrative claiming program is the states’ ability to utilize the resources in schools to conduct outreach and enrollment activities that directly support the Medicaid program. In this way, schools are no different from other agencies that perform Medicaid eligibility and application activities on behalf of the state Medicaid agency. Federal financial participation (FFP) has historically been available for expenditures incurred by the state associated with outstation locations, regardless of whether the function is provided by an employee of the state or with another person authorized by the state to perform these activities. To implement a rule that would prohibit FFP to schools for Medicaid-supporting administrative activities would disregard existing law, contradict long-standing Medicaid policy, and impede Congressional intent.

#### **D. Improper Billing**

HSD/MAD agrees with the concerns identified in this section of the proposed rule relating to improper billing by school districts. New Mexico has made concerted efforts to ensure the integrity and quality of the school-based administrative claiming program based on CMS guidance, and has followed the direction set forth in both the CMS *Medicaid School-Based Administrative Claiming Guide* of May 2003, and the CMS *Medicaid and School Health: A Technical Assistance Guide* of 1997.

Rather than eliminating the school-based administrative claiming program altogether, HSD/MAD urges CMS to work together with states and school districts to clarify incorrect and improper billing practices and to develop policies for the program that will ensure its quality and preserve the original intent of the program to reimburse school districts for legitimate activities they perform in support of Medicaid. States are eager to work with CMS on this process to demonstrate that school-based administrative claiming can and should be carried out correctly under appropriate guidance from both state and federal governments. The Office of Inspector General’s (OIG’s) many reviews of states’ school-based Medicaid claiming programs must have led to valuable insights that could result in better guidance about the program overall.

## **II. Provisions of the Proposed Regulations**

This section of the proposed rule states that administrative activities performed by schools are not necessary for the proper and efficient administration of the State Plan because:

“1) the activities or services support the educational program and do not specifically benefit the Medicaid program;” and

“2) the activities or services are performed by school systems to further their educational mission and/or to meet requirements under the IDEA, even in the absence of any Medicaid payment”.

In New Mexico, neither of these statements would prove to be true. Administrative activities that schools perform in support of the Medicaid program have a direct and positive impact on the health and well-being of New Mexico’s Medicaid-eligible children and youth. By enrolling eligible children into the Medicaid program, linking Medicaid-enrolled children with needed medical services outside of the school setting, and providing information to families about Medicaid programs and how to access them, school districts are vital partners in ensuring that New Mexico’s children are healthy and successful.

Many Medicaid-related administrative activities would be effectively eliminated by implementation of the proposed rule. While the proposed rule suggests that schools must perform these activities regardless of whether Medicaid reimbursement is available, New Mexico challenges CMS to find a school system in which facilitating Medicaid eligibility determinations is an educationally required activity. Without funding for school-based administrative activities, it is likely that most New Mexico schools will be forced to reduce or remove altogether Medicaid-related outreach activities.

## **V. Regulatory Impact Statement**

### **A. Overall Impact**

The proposed rule states that “CMS has determined the impact on local school districts as a result of the proposed rule would not exceed the threshold of ‘significant’ economic impact under the [Regulatory Flexibility Act] RFA”. While states are given the opportunity under the proposed rule to continue funding school-based administrative activities without federal Medicaid funding from CMS, it is unrealistic to assume that any state would be able to afford to do so. The Medicaid program was intended to be jointly funded by the state and federal governments. Any exclusion of FFP for costs that have previously been shared by CMS will result in a reduction or elimination in service, since states will be unable to sustain the costs on their own.

New Mexico schools are required to spend all of the money that they receive from Medicaid, whether for direct services or administrative activities, on additional health and health-related services and programs in their districts, including school nurses, health education programs, school-based health centers, and needed medical equipment, all of which are otherwise unfunded. Contrary to CMS’ interpretation, HSD/MAD strongly believes that implementation of the proposed rule will place a significant financial burden on New Mexico schools to either identify funds to preserve existing programs currently funded with Medicaid reimbursement dollars, or to eliminate those programs altogether.



## VI. Alternatives Considered

This section of the proposed rule presents a number of alternatives to implementing the proposed rule that include greater monitoring and oversight by CMS; measures to ensure greater accountability; clarification of federal requirements; and developing standard parameters for the program. CMS states that these alternatives were rejected "because the intervening years have proven that such activities cannot be adequately regulated or overseen". By contrast, New Mexico would welcome the opportunity to institute any of the suggested alternatives, and believes that all of the options presented are more reasonable than a regulatory change that seeks to eliminate the program. Many states, including New Mexico, have sought additional guidance from CMS and have implemented their own monitoring and oversight strategies, to ensure program quality and to enforce school district accountability.

In conclusion, I wish to emphasize the significant negative impact – both financial and programmatic – that the proposed rule would have on New Mexico. As active participants in the day-to-day lives of their students, schools are favorably poised to partner with the Medicaid program to improve the health and wellness of children, particularly those who are among the most vulnerable, hard-to-reach or at-risk. The school setting provides a unique opportunity to enroll eligible children into the Medicaid program, and to assist children who are already enrolled in Medicaid to access the benefits available to them. HSD/MAD urges CMS to recognize the invaluable work of schools as partners in ensuring the health and well-being of our children by continuing to invest federal dollars into this important program.

Sincerely,



Carolyn Ingram  
Director

Senator Jeff Bingaman  
Senator Pete Domenici  
Representative Steve Pearce  
Representative Tom Udall  
Representative Heather Wilson  
Tony Martinez, Governor's Office  
Michelle Welby, Governor's Office  
Pamela S. Hyde, Secretary, Human Services Department

Board of Trustees  
Charles Van Hoosen, President  
Doug Carney  
Don Combs  
Penny Steiner



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Frank Adelman  
Superintendent

## Columbia School District

10140 Old Oregon Trail, <sup>Kids First</sup> Redding, California, 96003  
530-223-1915 FAX 530-223-4168

Dear Secretary Leavitt,

My name is Clay Ross and I am Principal of Columbia School in Redding, California. We are a kindergarten through fifth grade consisting of roughly 600 students. We also have a pre-school with an enrollment of 60 and two Community Day Schools with about 15 students. Our Free and Reduced Lunch Program is running around 37%. I am writing to encourage your continued support of MAA and to explain how we utilize these funds to meet the needs of our children. I genuinely feel that Columbia School could be used as a model for early intervention and the appropriate use of critical MAA funding in the support of our students. Please feel free to offer my willingness to other schools in the training of the use of MAA funding or to just visit and see what our school does for kids.

Beginning in 2004, our school had a base API of 737 and for the 06-07 school year, we now have an API of 800. We are a two-time recipient of a California Distinguished School Award receiving our last in 1996-1997. I just received a letter from State Superintendent Jack O'Connell inviting us once again to apply for this distinguished award once again. It is due to our rapid success that I credit our ability to apply and I truly believe that without MAA Funding, we would not have been able to see this much success so quickly. Perhaps without MAA funding, we would be identified as a Program Improvement School rather than be on the cusp of once again becoming a California Distinguished School.

At Columbia School we use our MAA Funding to provide a PE aide for first, fourth and fifth grades. We provide classroom aides for kindergarten, first and second grades. MAA provides funding for a fourth and fifth grade computer lab instructor, a full-time counselor and roughly 6 hours of a classroom instructor for our Kids First Learning Center. MAA affords us the opportunity to better spend our Federal programs like Title I money hiring full time experts and aides to assist as well in the Kids First Learning Center.

Our Kids First Learning Center assesses and teaches areas of weakness in the area of reading and comprehension to all of our students from kindergarten through third grade. Furthermore, it assesses and identifies our fourth and fifth grade students for after school intervention in the areas of reading and comprehension.

Kindergarten teachers utilize their aides funded through MAA to provide extra classroom support and small group instruction. First and second grade have their aides work in small groups to provide in-depth focus on reading as well as supplementing the PE Program. Fourth and fifth grade use the PE aide and the 4/5 lab as a means to provide preparatory time to focus on the standards in our newly adopted Social Science, Science and Language arts programs. With an adoption in Mathematics looming, the importance of providing intervention in math will be identified, but without appropriate funding, or a cut in current funding, we could be in a world of trouble.

Our counselor provides training and guidance in conflict resolution skill for all of our kindergarten and second graders with a program called Second Step. The counselor also assists with discipline and providing for the emotional and moral development of our children, because at Columbia School, we believe in meeting the needs of the whole child. Our counselor is also the lead for teaching and monitoring the staff and community about The 40 Developmental Assets. Columbia School has identified assets including connecting kids to school through programs and clubs. Without MAA, my site would be required to cover many of the expenses that MAA currently covers which means that I could not afford to have clubs and directors for some of our athletics including cross-country, jump rope and we have plans for soccer, basketball, softball, variety shows and drill teams which are good programs to connect kids with school.

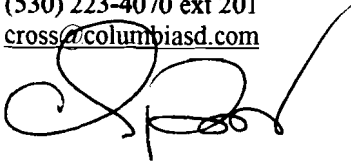
As you can see, we utilize 100% of our MAA funding and it goes directly to services and programs designed to get kids connected to school, to identify and fix their deficits, to get them to believe in themselves and do their best. MAA is not just a lottery installment for Columbia School, we take this money seriously and our students would be in serious jeopardy without this funding. Please do your best to reconsider the future of MAA. I am certain that

there are other schools similar to Columbia School that are using this funding for programs for interventions for kids.

Schools that aren't should be forced to visit schools which are and change their ways to continue to receive funding. Please do not penalize schools that are succeeding by cutting the program entirely.

Thank you for your consideration of this request,

Clay Ross  
Principal  
Columbia School  
(530) 223-4070 ext 201  
[cross@columbiasd.com](mailto:cross@columbiasd.com)

A handwritten signature in black ink, appearing to be 'Clay Ross', written over the printed name and contact information.



# Mountain View Middle School

675 Shasta View Drive  
Redding, CA 96003  
(530) 221-5224  
Fax (530) 221-5620

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To Secretary of Health and Human Services, Mr. Mike Leavitt:

My name is Mike Freeman and I am writing this letter in regards to the recent decision by CMS to eliminate the MAA program. I am the Principal of Mountain View Middle School (enrollment 439) in Redding, CA. and I wanted to take a minute of your time to explain the devastating impact this decision would have on the educational programs on my campus.

At Mountain View we believe that all kids can learn and that failure is not an option. We pride ourselves on our ability to reach and teach all students. We have made amazing progress in helping our students demonstrate a minimal level of proficiency in all core subject areas. Sincerely, we could not do this without the funding that comes to our district as a result of our participation in the MAA program.

As a school we have adopted the Search Institute's **40 Developmental Assets** program as a plan to help us develop our students into healthy, caring, and responsible young people. We have focused our efforts on helping students establish connections with staff members at our school that go beyond the standard teacher-student classroom relationship. We believe that these connections help the students know that there is a support system in place that will help them to be successful no matter what life throws at them. Fortunately, this system has paid off in improved student achievement, and an increased sense of security and self-esteem in the lives of our students. Unfortunately, the very funds that we use to do these things come from the MAA program that is at risk of being eliminated.

With the funds that we receive from MAA we are able to create intervention programs for at-risk students. At Mountain View we have established Professional Learning Communities that allow our teachers to meet frequently and discuss student progress and learning. From those meetings I receive a list of students and a brief summary of the concerns and/or issues. I meet with my team consisting of an Assistant Principal (100% funded by MAA) and a Counselor (23% funded by MAA) and we create intervention strategies to reach each student. Our strategies include one-on-one conferences, parent contact/conference, assessment, counseling, IEP (for Special Ed students), and schedule modifications. The system is working well because it provides timely help and support to students before small manageable problems become situations that result in suspension/expulsion, SARB or even academic retention.

The monies that we receive from MAA also help to create a safe, effective learning environment at my school. The Assistant Principal works primarily with student discipline. Teachers are able to refer student discipline issues to her and continue on with their instruction. I am able to work with my Assistant to tackle student safety issues like bullying and harassment. With the support provided by this position (again 100% funded by MAA), I am able to focus my attention on leading my staff, being in the classroom supervising instruction, planning school-wide programs, and being available to parents to discuss student progress.

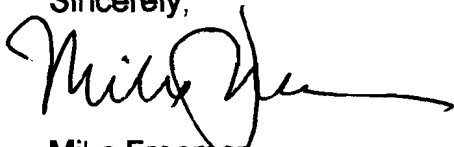
The Counselor (23% funded by MAA) that works at my school is without a doubt the secret to our success. In addition to meeting with students, parents, and teachers on a regular basis she also helps us with Student Council. As you can imagine, this is an exhausting responsibility. We look at our Student Council not only as an opportunity to develop young leaders but also as a powerful resource for our school. I lean on this group of students as a support and I look to them to gauge whether I am accomplishing the goals that I have set out for my school throughout the year. This group of students meets frequently, under the direction of their advisor, to plan activities that help students feel connected to school. This connection is an essential component to any great school.

The indirect effect of the MAA funding provided to my site/district is the flexibility that it provides in the use of other monies. With this funding, the general fund money is freed up to use for other programs that also benefit the students in my school. We are able to explore and commit to staff development opportunities, student incentive programs, additional support staff (classroom aides, psychologist, speech services, etc...), and educational technology. All of these things take my school further down the road from a good school to a great school. If MAA funding is taken out of the system then we will be scrambling to fill the holes. Unfortunately, we may be able to patch but eventually we will have a shortage and we will need to make difficult decisions pertaining to program cut backs. When this happens the students will be provided fewer services and their educational progress will be impacted significantly.

Money aside, I personally want to vouch for the good things that happen as a result of the MAA program. As you are aware, the lives of our young people are becoming increasingly more complicated. These complications often stem from things that are happening outside of the school but their impact is felt directly in the classroom. As educators we are being asked to take on more responsibilities in order to ensure that learning takes place. We are up to that challenge. What I find with the MAA program is that it is an appropriate fit in the schools because we are doing those tasks related to student health and well-being more and more everyday.

I hope that you will consider these concerns that I have as it pertains to my school. I could also speak on the behalf of my colleagues and honestly say that eliminating the MAA program will be detrimental to school systems, large or small, across the board. I appreciate the time you have given to listen and I ask that you would do whatever is necessary to ensure that this program continues to help our schools and our children.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Freeman", with a long horizontal flourish extending to the right.

Mike Freeman  
Principal, Mountain View Middle School  
(530) 221-5224 ext. 704



# Anderson Union High School District

1469 Ferry St., Anderson, CA 96007 • (530) 378-0568 • FAX (530) 378-0834

Randy Palomino, Superintendent

September 17, 2007

Mr. Mike Leavitt, Secretary  
The U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Re: Medi-Cal Administrative Activities "MAA" Program for Schools

Dear Secretary Leavitt:

It has come to my attention that on September 7, 2007, the Centers for Medicare and Medicaid Services (CMS) published a ruling that may have a devastating impact on the future of the Medical Administrative Activities (MAA) reimbursement program in our schools. The following statement is contained in the CMS ruling:

***"CMS has determined the impact on local school districts as a result of the proposed rule would not exceed the threshold of "significant" economic impact under the RFA."***

As Superintendent of the Anderson Union High School District, I have been a part of the District Health Council which is comprised of approximately 15 members. Members include administrators, supervisors, teachers, school nurse, para-professionals and counselors. In addition, included are representatives from the Shasta County Public Health Department. This Council has developed policy for and oversees the distribution of the majority of the Anderson Union High School District's MAA funds. With the exception of the funds used for a part-time MAA Coordinator, MAA funds are used in the following areas: increasing access for all students to high-quality nutrition, intensive instruction for students at-risk of failing, training student leaders, offering outdoor recreational opportunities, developing peer counselors, helping programs in need, providing new physical education equipment, and securing therapeutic counseling intervention for seriously at-risk students and their families. The District has witnessed the significant impact that MAA funds have provided for the students in our seven schools. If the MAA program is terminated, the effects within our school district will have a significant negative impact on our most vulnerable students and their families.

Our northern California school district is located in Shasta County, a region economically distressed by the loss of the timber logging industry. We have a significant number of students who receive Free and Reduced Lunches and an inordinate number of families who do not have medical insurance.

To comply with California SB12 and SB965, the District developed a Wellness Policy and Health Master Plan Goals. These district-wide goals support the following areas: Nutrition, Physical Activity, and Physical and Mental Health. The MAA reimbursement funds have enabled the District to provide much-needed support for educational programs and to concentrate MAA resources to focus on our District's health goals.

In addition to a copy of the Wellness Policy, I have enclosed a copy of our MAA brochure which displays some of the key areas funded through the use of MAA funds: Nutrition, Physical Activity, Physical and Mental Health, Crisis Counseling, and a credit recovery software system (NovaNET) that allows struggling students to make up credits and graduate from high school.

Also enclosed is a recent local newspaper article featuring two of MAA funded counseling programs available to our students: Students Helping Other Students (SHOP) and Link Crew. SHOP provides peer counseling and conflict mediation directly to over 100 of our students and is supervised by a school counselor. Link Crew is a successful transition program that welcomes freshmen and provides support throughout their first year of high school.

MAA Reimbursement to schools helps to offset the cost of a part-time nurse. With the ever-increasing concerns of pandemic childhood obesity and its related health issues, early intervention is crucial to our students' health and the health of our community.

On behalf of students and staff in the Anderson Union High School District, I implore you to continue to fund the MAA Reimbursement program. MAA plays a pivotal role in providing continuing nutrition, physical activity, and mental health programs for our students and their families.

If you would like to discuss this matter with me or have any questions regarding this letter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Palomino". The signature is fluid and cursive, with a long horizontal stroke at the end.

Randy Palomino, Superintendent

RP/jme  
Enclosures

# UNIVERSITY PREPARATORY SCHOOL

David Yorton, *President*  
Lewis Chamberlain, *Member*  
Judy Smith, *Member*  
Cathy Wyatt, *Member*

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Erin Stuart  
*Superintendent/Principal*  
Kathy Malain  
*Assistant Principal*

September 17, 2007

To Whom It May Concern:

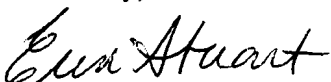
The staff and students at University Preparatory School were distressed and saddened to hear that the funding for MAA may be terminated. The students and staff have benefited from the information and services that Medical/Healthy Families programs provide. This awareness has led to participation in a Dental Health Day as well as various other classroom activities. Although our population of lower income families is not large, the fact that we have published information about Medical/Healthy Families programs has led families to inquire, apply and be serviced. Previously these families did not know that they would qualify for partial or full coverage under these programs.

As of today, our school has not received a MAA reimbursement payment; however, faculty and students have made a list of priorities for spending:

- Development of a Link Crew to support new students as they adjust to the school
- Funding of a bus to take the ninth grade students to Patrick's Point for a Field Biology trip
- Underwriting college visits for students who cannot afford the fees
- Paying college application fees for low income students
- Instructional materials for classrooms (especially for science labs)
- Paying for Motivational speakers for school-wide assemblies

Without the MAA reimbursement funds most of these activities, materials and events will not be provided for our students. Thank you for reconsidering the decision to eliminate the funding.

Sincerely,

  
Erin Stuart  
Superintendent/Principal



# Trinity Center Elementary School

P.O. Box 127, 1 Trinity Vista Drive

Trinity Center, CA 96091

(530) 266-3342 Phone/Fax

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September 17, 2007

Eileen Dolan, Director  
Glenn County Office of Education  
Region 2 MAA  
P.O. Box 817  
Orland, CA 95963

Dear Eileen,

I am responding to your email regarding CMS' ruling to eliminate the MAA program on September 7, 2007. We are a very small school, only 30 students are currently enrolled. In addition, we are a rural school located approximately 75 miles northwest of Redding (takes about 1 ½ hours to drive).

We put the monies received from MAA (and other revenue sources) in our general fund to help cover our expenses, which are primarily spent on salaries for our staff. We care a great deal for the well-being of our students, recognizing that we cannot do our jobs effectively (providing an excellent education), if they are distracted by things like health concerns. Therefore, it IS our job to do everything in our power to make sure that each and every student comes to school with their health/nutritional/dental/emotional needs met so that we can teach AND they can learn.

It would be remiss of us, or others, to honestly believe that we can ignore these very important factors in providing an excellent education for our students. I am saddened to hear that there are some people who are attempting to take away funding that helps us do our jobs to the best of our abilities. I hope that you and your staff are able to convince those in power to reverse the ruling mentioned above.

Sincerely,

  
Stephanie Petrick

Principal/Business Manager

# BOULDER CREEK SCHOOL

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505 Springer Drive • Redding, California 96003  
(530) 224-4140 • Fax (530) 224-4141



September 18, 2007

To Whom It May Concern:

Critical services for our District have been provided as a result of using money generated through the MAA Program. Enterprise Elementary School District has been able to provide counseling services to their eight schools including our school, Boulder Creek Elementary.

Our counselor here at Boulder Creek School has had a significant impact on the success of students. Our counselor helps the students deal with a variety of issues. During this year our counselor has been able to help a student who is dealing with the loss of a parent. The emotional issues the student is dealing with has made a negative impact on the child's ability to focus and learn. The counselor has worked with the child, and the surviving parent, providing strategies to help cope with the loss. Without the counselor on campus, I believe this child would be unable to attend school.

Due to the counseling services funded through MAA, our counselor is working with several students who have behavior difficulties that interfere with school success. She works with these students on strategies, and I have seen several students make significant improvement in their behavior. The expertise of the Districts counselor has been a tremendous benefit for the children. They are able to grow and learn socially and academically as a result of these counselor's work.

The most significant improvement I have seen with a child here at Boulder Creek, is a 5th grade boy who refused to cooperated with his teacher, would not complete work, and had several conflicts with students. He was on his way to being referred to Community Day School. The counselor was able to help this child to adopt new ways of dealing with his anger, she connected the child with students, set up a mentor, and worked directly with the parent on parenting strategies. This child has improved greatly in his ability to successfully get along with others and complete his school work. The parent also reports that the child is doing much better at home.

Without these counseling services, I know we would have several students struggling with success at school. It is an amazing resource to have on campus. If our counselors were gone due to the termination of the MAA Program, our children would suffer greatly!

Sincerely,

Dale Porter  
Boulder Creek Principal

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## DUNSMUIR ELEMENTARY SCHOOL DISTRICT

Mike Michelon, Superintendent

Kale Riccomini, Principal

4760 Siskiyou Ave. Dunsmuir, California 96025 530-235-4828 FAX 530-235-0145

---

September 20, 2007

Dear Secretary Leavitt and members of CMS,

Thank you for your past support of the MAA program. It has and continues to provide us with the money to do many wonderful things for our students. Our community has a high percentage of families who receive some form of public assistance and we are able to help meet some of their needs by virtue of the MAA reimbursement program. If the funding goes away so will the benefit our students and their families receive from it.

I would like to highlight some of the things we have done with our MAA reimbursement:

1. Increase nursing services by 5 days.

1. Provide physicals for students in preschool and grades K & 1.
  - a. Provide parents of these students with the book "What to Do When Your Child Gets Sick".
2. Conduct CPR training for our staff.
3. Purchase picnic tables for our students so they can eat outdoors.
4. Send students to French Creek Outdoor School.
5. Fund preschool program to serve our Pre-K students.

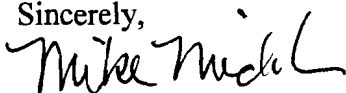
Some of our future projects include:

1. Dental van to serve students who are on Medi-Cal because there are no local dentists who accept Medi-Cal.
2. Provide increased nursing services to include our preschool.
3. Sponsor physicals for all student athletes and incoming preschool-1<sup>st</sup> grade students.
4. Provide increased counseling time for students.

Without the MAA reimbursement all of these programs will cease to exist. They all provide opportunities that enhance our students lives, not only at school but at home as well.

Please feel free to contact me at (530)340-2233 with any questions or comments you may have about the impact that the loss of MAA funding will have on our students and community.

Sincerely,



Mike Michelon  
Superintendent

# DUNSMUIR ELEMENTARY SCHOOL DISTRICT

4760 Siskiyou Avenue • Dunsmuir, California 96025

Phone (530)235-4828 • Fax (530)235-0145

Mike Michelon, District Superintendent

Kale Riccomini, Principal

July 30, 2007

Dear Parent/Guardian of \_\_\_\_\_

When your child was enrolled in kindergarten, you were informed in the Kindergarten Packet of the requirement of school entrance physical exams (Health and Safety Code 124085). These exams should be done before your child enters first grade.

According to our records, we have not yet received documentation of your child receiving a physical exam. If your child has received a physical, please bring in verification of the exam.

If your child has not received a physical, you may obtain a free physical exam for your child, paid for by Dunsmuir Elementary School. The date for the free exams is **Thursday, August 16, 2007**, and will be held at Siskiyou Medical Group, 4309 Stagecoach Road, Dunsmuir, CA. If you would like to take advantage of this free exam, please call Siskiyou Medical Group at 235-2205 to schedule your appointment. The only requirement to receive this free physical is that your child continues to be enrolled and attend Dunsmuir Elementary School in the fall.

**Students who do not have the school entry physical and current immunizations will not be allowed to attend school.**

Thank you for attending to this important matter. Physicals are an important way to insure that your child is healthy and ready to learn.

Sincerely,

Kale Riccomini  
Principal

# DUNSMUIR ELEMENTARY SCHOOL DISTRICT

4760 Siskiyou Avenue • Dunsmuir, California 96025

Phone (530)235-4828 • Fax (530)235-0145

Mike Michelon, District Superintendent

Kale Riccomini, Principal

July 30, 2007

Dear Parent/Guardian of \_\_\_\_\_

When your child was enrolled in kindergarten, you were informed in the Kindergarten Packet of the health requirements for your child to attend school. Your child will need to have some additional immunizations and school entry physical examinations are also required by law (Health and Safety Code 124085). These exams should be done before your child enters first grade, but may be done before entering kindergarten.

If your child has not received a physical, you may obtain a free physical exam for your child, paid for by Dunsmuir Elementary School. The date for the free exam is **Thursday, August 16, 2007**, and will be held at Siskiyou Medical Group, 4309 Stagecoach Road, Dunsmuir, CA. If you would like to take advantage of this free exam, please call Siskiyou Medical Group at 235-2205 to schedule your appointment. The only requirement to receive this free physical is that your child attend Dunsmuir Elementary School in the fall. Students who do not have the current immunizations required by California State Law, will not be allowed to attend school.

Thank you for attending to this important matter. Physicals and immunizations are an important way to insure that your child is healthy and ready to learn.

Sincerely,

Kale Riccomini  
Principal

**DUNSMUIR ELEMENTARY SCHOOL DISTRICT  
4760 SISKIYOU AVENUE  
DUNSMUIR, CALIFORNIA 96025**

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF TRUSTEES - AUGUST 3, 2006**

**Call to Order** - The regular meeting of the Board of Trustees was called to order by Board President Lori Padilla at 7:35 pm.

**Board Members Present** - Lori Padilla, President; Deany Giacomelli, Representative; Tony Congi, Clerk; Susan Burger, Trustee and Ken Elgin, Trustee.

**Others Present** - Mike Michelon, District Superintendent; Kale Riccomini, Principal; and Beth Cottini, Business Manager.

**Principal's Report** - Rod Peterson will be the new kindergarten instructional aide. On August 18<sup>th</sup> a "Step Up to Writing" inservice will be held at DES for the teachers. On August 21<sup>st</sup>, teachers will be back at work and on August 22<sup>nd</sup> the entire staff will be back.

Susan Keeler will be holding several CTAP inservices for the teachers throughout the year. They will be done on minimum days.

The K-1 quad received new carpet last month. The gym floor has been painted with the Cindy Rinne Court logo. It has also been waxed. Painting will begin Friday on the railings and outdoor doors. The maintenance crew will be weeding and replacing the bark under the play area. Everything should be in order for the first day of school.

**Consent Calendar** - On a motion by Congi and seconded by Elgin to approve as submitted. Motion carried.

**Gym Basketball Safety Pads** - Mr. Michelon has received a bid to replace the pads on the wall in the gym. The bid is from a local upholsterer and is \$1466.61 which is very reasonable. On a motion by Congi and seconded by Giacomelli to be approved as submitted. Motion carried.

**School Site Preschool** -Mr. Michelon reported that the district is in the final stages of getting the preschool license switched from the SCOE to DES. There currently are no funded "slots" available however. Superintendent Michelon would like approval to operate a school site preschool without state funding until it becomes available. He would also like to offer the program free of charge to families who have siblings attending DES. On a motion by Elgin and seconded by Giacomelli to be approved as submitted. Motion carried.

**Transportation for Preschool Students** - Superintendent Michelon would like to provide transportation for preschoolers who need it. He would like to use the school vehicles with car seats in them. On a motion by Congi and seconded by Elgin to be approved as submitted. Motion carried.

**Preschool Daycare Hours** - Mr. Michelon would like to provide daycare to preschoolers from noon to 5:00 pm during school days. The preschool teachers and supervisor will take the kids until 2:00. They would then attend the regular daycare. On a motion by Burger and seconded by Congi to be approved as submitted. Motion carried.

**Cafeteria Meals** - The board discussed the possibility of providing free meals to all students. Because of the cost to run the preschool, no action was taken.

**Superintendent's Report** - There were no complaints filed under the Williams Act for the quarter ending July 31, 2006. Mr. Michelon presented the SCOE investment policy for the board to review. The school has generated little interest in LAIF for the last two years and he would like to develop a policy that would allow him the flexibility of investing in federally insured CD's.

Board members Ken Elgin and Deany Giacomelli will have their term expire in December. Neither Ken nor Deany will be running again. Deany will be moving out of the district in the fall or winter. Mr. Michelon talked to Linda Laustalot and was told that when Deany moves, she does not need to be replaced because of the elections.

**Closed Session** - The board adjourned to closed session at 8:30 pm.

**Action Resulting from Closed Session** - The board unanimously agreed to increase Mike Wright's contract from a 5/7ths to a 6/7ths position with the condition that the added period would be used as 3 days prep and 2 days of primary music.

**Adjournment** - There being no further business, the board adjourned at 8:54 pm.

Respectfully submitted by Beth Cottini, Business Manager

# Trinity Union High School District

88

P.O. Box 1227 321 Victory Lane, Weaverville, CA 96093 530.623.6104 Fax 530.623.3418

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September 19, 2007

Secretary Leavitt and members of CMS:

I was greatly disturbed to hear that Medi-Cal is in jeopardy of being removed from the Federal Budget. This funding source is so beneficial to our student population. The Medi-Cal funding reimbursement for school based services allows our district to provide necessary and beneficial services to our students.

Medi-Cal funding in the TUHSD is used primarily to provide counseling services here within the district. Our district is able to not just only offer Guidance Counseling and Career Counseling, but is also able to offer Crisis Counseling for our students due to Medi-Cal reimbursement funding. Many of our students come from broken homes and are in need of these support services during the school day. By providing these counseling services to our students during the course of the school day, we are able to contain crisis before they become large problems and to keep our students focused on education which is our primary duty.

Our student population consists of 47 % free and reduced lunch services. Many of these families can not support the type of counseling services their children need. While we also live in a very small area, counseling services themselves are difficult to find, and to have a counselor, many of these families would have to drive over an hour each way, providing that they have transportation. By having counselors available to our students all day, ever day, we are providing a huge service to our students and community.

Not only does the Medi-Cal reimbursement support counseling, it also provides funding for classroom supplies and the different classes, clubs, and athletic teams to take field trips. As a small example: Academic Decathlon has traveled to Los Angeles (12 hour drive), Photography to San Francisco (6 hour drive), Drama to Amador (4 hour drive), our student athletes are able to attend competitions at a Statewide level upon qualification. Living in such an economically depressed area in a small community in northern California, these are life time opportunities for our students that many of their parents are unable to afford to give them. These trips are just a small example of opportunities that we are able to provide to our student population through the Medi-Cal reimbursement.

I hope that all factors are examined prior to having this valuable funding resource taken from our children.

If you have any questions or need assistance in any way, please do not hesitate to call.

Sincerely,



Mary Beth Brinkley  
Chief Business Official  
530-623-6104 ext 250

Robert Lowden, Superintendent

Mary Beth Brinkley, Chief Business Official



89

Harley North  
Superintendent

Debbie Opezzo  
Principal, K-4

Brad Mendenhall  
Principal, 5-8

Linda Haedrich  
Principal, Special Projects

19500 Learning Wa  
Cottonwood, CA 96022-960

Telephone  
530-347-341

District Office Fax  
530-347-795



September 14, 2007

The Honorable Michael Leavitt  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, DC 20201

Dear Secretary Leavitt:

The Evergreen Union School District has benefited greatly from the MAA program. Part of that benefit is simply to make us all aware of the things that we can do and should be doing to support the mandates that fall underneath MAA. This includes our outreach programs and day-to-day activities.

The funding from MAA has allowed us to hire, as of last year, a three days per week school psychologist / counselor; and this year, we increased to a five days per week school psychologist / counselor.

We have also expanded our nursing time within the District from three days per week to five days per week, which happened at the beginning of 2006/2007 school year. This allows us to support all of the health needs in much greater detail; i.e., a first grade student this year that has diabetes, who requires an insulin pump and it has to be monitored on a daily basis by a nurse.

We have also used the funds to support what we call a small school instructor, who addresses those students, primarily socioeconomic disadvantage students, in the area of reading, language arts and math.

We have performed many outreach activities to communicate to the community and to support the mandates under MAA. They include sending out fliers, such as:

- List of dental Medi-Cal providers in our area
- List of vision Medi-Cal providers in our area
- Notify parents when a local dental clinic is being offered

TEAMWORK	•	COMMUNICATION	•	EFFORT
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Board of Trustees: Greg Baker Brad Constant Stephen Nelson Jim Tomasini Roxanne Vine

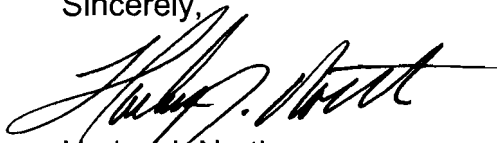
List of medical doctors, physical therapists and clinics that accept Medi-Cal and Healthy Families in our area  
Distribute Medi-Cal/Healthy Families brochures during Back to School Night and Open House and throughout the year  
Distribute seasonal outreach fliers tied to local providers and services, such as West Nile Virus, sun exposure, flu season, immunizations  
Distribute monthly parent newsletters with different Medi-Cal outreach information each time  
After each fire drill or lock-down drill, we send home fliers to inform parents and students where our local providers are located along with phone numbers  
When we teach health units, such as nutrition, tobacco or drug awareness, we send outreach info home that is related to the unit  
Literature is provided in each school office during the entire school year regarding Medi-Cal / Healthy Families (information and brochures)  
Distribute Healthy Families health coverage information sheets to all parents which are completed and then forwarded by our District to Healthy Families in Sacramento

Note: The Medi-Cal percentage for our student population has increased since we became involved in the MAA outreach program.

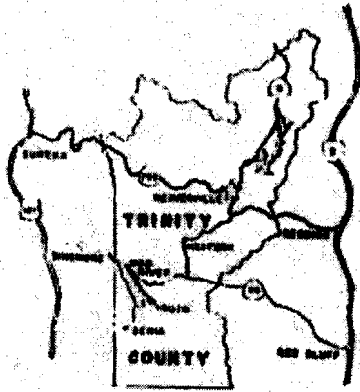
Generally speaking, because of the MAA contributions, we have been able to divert General Fund monies to activities that support and enhance all elements of the MAA requirements or mandates. Any cut of these funds would not only be detrimental to the programs and personnel we have put in-place, but also would be detrimental to our community because of the restrictions of our outreach.

Many of us in public schools have felt that the MAA program is too good to be true simply because we are often given mandates without funding source. The MAA Program supported what was requested or required. I would hope that this stream of money and the quality of programs and activities that the district performs using that money would continue into the future.

Sincerely,



Harley J. North  
Superintendent



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**Southern Trinity Joint Unified School District**  
680 Van Duzen Road \* Bridgeville, CA 95526 \* Phone (707) 574-6237

**Peggy N. Canale, Superintendent**

September 20, 2007

Dear Secretary Leavitt and CMS:

It is with sadness and frustration that I must take time out of my busy day as superintendent/principal of four small schools in Northern California to write in opposition of the proposed cuts to the MAA program. Our district has already been severely affected by the whole Forest Reserve issue and now dollars that can go directly to student services with NO strings attached are in jeopardy of departing as well. However, I am sure that the requirements for the services we provide under MAA won't depart!

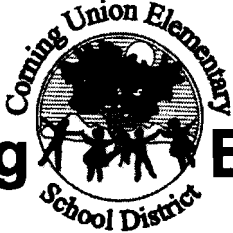
In the past few years we have been able to purchase vans for our school which has allowed students to participate in after school sports and other programs. These students would have been unable to participate without help with transportation due to the distance they live from our school and the inability of their parents to help due to high poverty issues. We have also used the dollars we have received to increase our building fund in order to replace portable buildings at our high school which are approximately 40 years old. (I have been told the average life of a portable building is 20 years.) Don't you think it's about time our students had a quality place to study and learn?

I wish you had the time to visit our small schools and see what great kids and staff we have. I wish you could see how hard we work to make every dollar count. I do hope that you will support the MAA program and vote against the proposed cuts. Please do the right thing by our kids!

Sincerely,

Peggy Canale, Superintendent/Principal  
Southern Trinity Joint Unified School District  
Van Duzen Elementary  
Hoaglin-Zenia Elementary  
Southern Trinity High School  
Mt. Lassic Continuation School

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# Corning Elementary

1590 South Street ♦ Corning, California 96021  
(530) 824-7700 ♦ FAX (530) 824-2493

September 26, 2007

The Honorable Michael Leavitt  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, DC 20201

Dear Mr. Leavitt:

This letter is in reference to CMS-2287-P, and the proposed ruling to eliminate school based Medi-Cal Administrative Activities (MAA) program. During the past several years, the Corning Union Elementary School District has implemented the MAA program. Corning is a small, northern California rural farming community with a large migrant population, along with a large percentage of free and reduced price students (75% of our students receive free or reduced price meals).

With the Corning Union Elementary School District being a main source of information and services for migrant and poor students and their families, the MAA program has allowed our District to increase our health services to students as well as implement other supplemental educational programs, with of course, references as to where students and their families can go locally to gain more comprehensive coverage.

Please reconsider your stance on the school based MAA program and allow us the continued opportunity to better serve our community.

Sincerely,



Steve Kelish, Superintendent  
Corning Union Elementary School District

Stephen Kelish, District Superintendent

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#### TRUSTEES

Martin H. (Marty) Mathisen ♦ Helen M. Pitkin ♦ Ronda K. Holland ♦ Shanna Long ♦ Laura D. Crane

**PREPARING STUDENTS FOR THEIR FUTURE**



# BURNT RANCH SCHOOL DISTRICT

P. O. Box 39  
(251 Burnt Ranch School Road)  
Burnt Ranch CA 95527

Phone: 530.629.2543  
Fax: 530.629.2479  
Web: burntranchschool.org

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Arnie Ziegler  
Superintendent

Brenda Simmons  
Assistant Principal

Terry NaDeau  
Principal

Ardis Hutchins  
Business Manager

September 13, 2007

It is with great sadness that we have learned that CMS published a ruling to eliminate the MAA program. This program has been a very valuable part of the Burnt Ranch School.

These funds have been used in the past few years to purchase a digital copy machine that has various capabilities to meet the needs of our classrooms. These funds have also allowed us to purchase extra state adopted curriculum and technology hardware and software that we otherwise would not have been able to offer our students. Other uses of the funds have been to offer increased tutoring to students; a part-time drama program; a part-time music program; and to take additional field trips.

Because we are in a very rural area we have limited resources. There is no cell phone service or high speed internet service. The MAA monies have enabled us to have a satellite phone to use in emergency situations. This year the money will help set up high speed internet for the office area.

Burnt Ranch Elementary school is a small school situated in the mountains of northern California. We are a one site school district with about 90 students in kindergarten through eighth grade. We are over an hour's drive from any city or town of significance. Most of the land in our area is forest owned by the Federal Government which limits our school income.

The Burnt Ranch School staff continually offers Medi-Cal services to our students and to be reimbursed for these services is appropriate.

The impact on our school district as a result of the proposed rule would exceed the threshold of "significant" economic impact under the RFA. We strongly request that the CMA and Secretary Leavitt reconsider their ruling and do not eliminate the MAA program. Burnt Ranch Elementary School would be greatly impacted and suffer great loss if this were to happen.

Cordially,

Arnie P. Ziegler  
District Superintendent

Board of Trustees  
Charles Van Hoosen, President  
Doug Carney  
Don Combs  
Penny Steiner



93  
Frank Adelman  
Superintendent

**Columbia School District**  
Kids First!

10140 Old Oregon Trail, Redding, California, 96003  
530-223-1915 FAX 530-223-4168

September 24, 2007

Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS-2287-P  
Mail Stop S3-14-22  
7500 Security Boulevard  
Baltimore, MD 21244

To Whom It May Concern:

I would like to comment on the recent decision by the Federal government to eliminate the MAA Program. The loss of these dollars would adversely affect the educational programs in our school district. These funds have allowed us to offer extra support to students who would otherwise "fall through the cracks" by bringing up their test scores and making them successful students.

Our district has a policy of "Kids First!" which is more than just words to us; it is our belief! All students can learn, but for some, only if given added support. We have used the MAA funds to hire extra-support instructional aides and increase certificated staff time to help those students achieving at Basic, Below Basic, and Far Below Basic on STAR testing move toward Proficient and Advanced. Our overall API went from 778 for 2005 STAR testing to 810 for 2007, which is 32 points of growth in two years. This increase is directly related to our MAA supported intervention programs.

Secondly, there are many students in need of extra social and emotional support. These students may be a product of a broken home coping with all that entails. They may have lost a loved one to death. We have used the MAA funds to add a school counselor at our elementary site who runs programs to help these students and their parents cope with difficult changes in their lives. We were also able to increase the time for our Counselor at our middle school. She runs similar programs helping students to cope with not only the difficulties from home, but the pressures adolescents are faced with at school.

Finally, at our middle school, MAA funds have allowed us to hire an Administrative Intern who is responsible for not only discipline, but also the athletic program, school clubs, and character education programs. These are all essential to the healthy growth of an adolescent, giving them positive activities that enhance the learning process.

Columbia School District prides itself on being a Professional Learning Community, putting the needs of our students, parents and community first. We use all of our resources and manpower to follow our "Mission" to ensure learning for all children - no excuses. We do this by building positive relationships, maintaining high expectations, creating relevance, providing more time and support, meeting the physical, intellectual, emotional, social and moral needs of our children, and by being persistent and passionate about children. Please consider this before you eliminate funding that would help us to follow that mission.

Sincerely,

Frank Adelman  
Superintendent



# Bangor Union Elementary School District

7549 Oro-Bangor Hwy., P.O. Box 340, Bangor, CA 95914

Phone: (530) 679-2434 • Fax: (530) 679-101

94

September 25, 2007

Mike Leavitt  
Secretary of Health and Human Services

Re: Medi-Cal Administrative Activities budget cuts

Dear Mr. Leavitt,

It has come to our attention that you are concerned with the amount of money being distributed among participating public schools that comply with the MAA participation.

Bangor Elementary School is a one school district located in the Sierra foothills of California 50 miles north of Sacramento. We have an approximate enrollment of 140 students K-8<sup>th</sup> grade. With rising costs, government restrictions and declining enrollment we as educators, support staff, parents and community have had to pool our resources, do fund raising, or volunteer to provide the resources to effectively provide an adequate education these children will need to continue academically.


With the first installment that reached us after a year and a half we were able to purchase 14 new computers for a much needed new lab and 6 lap top models with video streaming capacity, so teachers are able to project current material to their classes. We have been waiting nearly two years for the next promised installment that we have prudently not included in our budget, although we anxiously await its arrival.

Our teachers and administrative staff have taken many measures to research and provide local Medi-cal information and facilities to our community. We have referred and provided counseling for students and their family. We promote attendance with healthy diet, exercise and hygiene instruction in our bi-weekly newsletters; various seminars are provided for our teachers, school nutrition assemblies and age appropriate health material is presented by our district nurse.

The funds provided by the Medi-Cal Administrative Activities supports not only the health and well being of our students and their families, it also provides us the much needed money to keep our school in compliance with today's challenges in education.

We appreciate your consideration in supporting this important funding.

Sincerely,

  
Dave Severson, Ed.D.  
Superintendent/Principal

Robin Hayes, Teacher K-1 *Robin Hayes*

Denise Roenspie, Teacher 1-2 *Denise Roenspie*

Lucy McDowell, Teacher 2-3 *Lucy McDowell*

Kelly Huddleson, Teacher 3-4 *Kelly Huddleson*

Diana McDowell, Teacher 5-6 *Diana McDowell*

Shawn Jordan, Teacher 7-8 *Shawn Jordan*

Lesley Kuykendall, Teacher RSP *L.M. Kuykendall*

Molly Smith, RN

David Graham, Counselor *P. David Graham*

Kim Miller, Health Aide *Kimberlee Miller*

Christina Atcheson,  
Attendance/Office Clerk *Christina Atcheson*

Marlen Hankins,  
Business/Payroll Clerk *Marlene Hankins*





*"A comprehensive service program for Gateway students and their families"*

4620 Vallecito Ave ~ Shasta Lake, CA 96019  
 Lynn Miller, Program Director  
 (530) 275-7057

September 14, 2007

We are grateful in the Gateway Unified School District to have the opportunity to offer so many different services to our Medi-Cal population. Since the district became involved in the Medi-Cal Administrative Activities (MAA) Program approximately eight years ago, our services have flourished. Through our MAA reimbursement dollars, we have increased our Medi-Cal outreach through the Families First Center Program, now known as the Shasta Lake School Counseling Center.

The Families First Center began at a middle school site, and the main focus of the center was to collaborate with outside agency partners to provide services to the impoverished population of the school. Slowly, the Center started to connect with outside services to assist our middle school families with parenting classes and family counseling. Soon, the Center was instrumental in setting up services throughout the district with agency partners.

Through the years the Families First Center has grown steadily due to the support and encouragement of teachers, administrators, counselors, parents, students, and agency partners, and of course, through the funding made possible by MAA reimbursements. The Families First Center is now located on a K-8 school campus and provides services to eight sites in the district. The Families First Center now offers:

- individual, group and family counseling services
- after school programs
- healthy families insurance assistance
- annual health fairs
- family workshops
- mentoring programs
- homeless referral resources
- immunization clinics
- awards programs
- health education presentations

- small group interventions
- referrals to Medi-Cal outreach services
- and much more.

The Families First Center is staffed by four counselors, 3 of whom have a master's degree in counseling and 1 registered nurse. In 8 years as the leader of the Families First Center, the Program Director has formed strong partnerships with a variety of agencies throughout the county. These agency partners provide services to the Medi-Cal population through the Gateway District. The Families First Center has several available rooms which are scheduled for facility use throughout the week by agency partners. Our agency partners offer:

- individual and family counseling
- well child check up sessions
- follow up on mandated reporting cases
- career counseling
- parenting workshops
- group counseling
- child abduction investigations that involve reuniting children with custodial parent
- hearing and vision screenings
- dental screenings
- nutrition services
- home visitations
- linking to other Medi-Cal services

We have had numerous children and families return to our center years later to thank us for our time and assistance in connecting them to services that changed their lives. The staff at the Families First Center is honored to play a part in the successes of our Gateway families.

Without MAA reimbursement funding, the neediest children and families in our district would be left to navigate the complex and overwhelming process of finding the help they so desperately need. Because of the MAA funding for the Families First Center, children and their families in our district have a chance to overcome the financial, academic, social, and cultural obstacles they face in creating a healthy lifestyle. Please continue to help us empower our families with the resources that every American citizen so greatly deserves.

Sincerely,



Lynn Miller  
Families First Director

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# DOUGLAS CITY ELEMENTARY SCHOOL

P.O. Box 280

Douglas City, CA 96024

(530) 623-6350 / FAX (530) 623-3412

September 17, 2007

To the honorable Michael Leavitt:

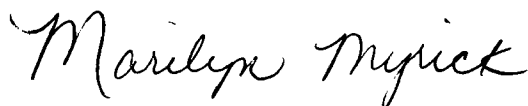
I was just informed that CMS has published a ruling to eliminate the MAA program from the schools. I am urging you to reconsider that decision. Since Douglas City School became involved in the MAA program, I have observed many positive changes in staff. My staff is much more aware of the Medi-Cal providers in Trinity County. They have been active in referring students and families to these providers along with providing information about Medi-Cal/Healthy Families.

At Douglas City School we are concerned with the whole child and referring students to appropriate health services is part of that job. It has made this job easier for staff knowing that the school is being reimbursed for that valuable time.

By receiving MAA reimbursements our school has been able to continue some very important services for children. We have used our MAA monies to help fund our Art, Music, PE, and Technology programs. Without MAA funds, these programs would have all had to be cut drastically.

In these times of tight budgets, every dollar matters for our young people and MAA funding allows us to continue providing a quality education in every area. Again I urge you to reconsider your decision of elimination of the MAA program. You will be hurting children with that decision.

Sincerely,



Marilyn Myrick  
Superintendent/Principal



Anderson Middle School  
1646 West Ferry Street  
Anderson, CA 96007

97

Mrs. Carol Koppes, Principal  
(530) 378-7060



Mr. Jason Provence, Asst. Princip  
FAX (530) 378-7061

*Excellence for ALL!*

To Whom It May Concern:

I would like to express my deepest concern at the news that the MAA program is facing elimination. This program has been a vital source of desperately needed funds for the students in our district. We have been able to offer many health and educational opportunities for our students that would not have been possible without the funds generated by the MAA program. This important program not only allows schools to make a difference to our students by greatly increasing the enrichment opportunities we can provide, but enables us to do so by helping our families gain access to MediCal covered services. This increased access is worthy in itself, as many of our families desperately need health care and qualify for federal help, but do not know where or how to get the services they need. In these difficult financial times, with declining enrollment causing enormous budgetary strain in many districts, the fiscal benefit of the MAA program to our schools cannot be overstated.

As a small district dealing with declining enrollment, the Cascade Union Elementary District desperately needs the MAA program to enable us to continue to provide our students with all the services and educational and health benefits possible. Following is a partial list of what we have been able to do with our MAA funds just during the 2006-2007 school year.

Meadow Lane Elementary purchased safe, modern playground equipment to enable students to stay healthy and active.

Anderson Middle School paid for teachers to attend a conference promoting safe, respectful, and responsible schools, bought additional classroom supplies to enrich the curriculum, paid for fifth and sixth grade field trips, and paid for time and supplies to create murals to beautify the campus and improve student morale.

Anderson Heights Elementary used its MAA money to replace classroom carpets, buy wall maps, purchase instructional materials, provide teacher training, and to give time for teachers to plan curriculum projects.

Without MAA funds, our district would not have been able to support any of these projects. On behalf of our teachers, our students, and our community, I implore you to do whatever is necessary to save the MAA program.

Sincerely,

Karin Cox  
CUESD MAA Coordinator

# Dunsmuir Joint Union High School District

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Dear Secretary Leavitt

This is a plea from a small rural high school in northern California to ask that you continue the fight to secure legislation that will continue funding of the Medi-Cal Administrative Activities (MAA) program. It strikes me as a shame that the government would even consider cutting this program when it really does mean so much to schools. What legislators do not realize is that teachers and school personnel do in fact do the tasks that are prescribed by MAA and that they should be reimbursed for such activities.

In our small school alone the program has allowed us to purchase extra nursing days for our students. This has been tremendously valuable to us because our students can more effectively retain a continuous connection for their health needs. In a small rural community such as ours students just plainly do not have access to professionals that can consistently be retained for student health issues. MAA has provided the means for us to provide such services right on our campus.

Another service for students and their families that has been needed and finally established is our student mental health program. MAA funding has allowed us to hire and retain a mental health professional who sees our students on a weekly basis. Before MAA funding came available our students and their families were relegated to seeking help and assistance through our county behavioral health program. The odds of any of our students and their families getting the mental health services they needed were next to impossible. With the MAA funded professional we have been able to get our students and their families, immediate help or at least have been able to connect them more efficiently and effectively with professional outside resources.

Please inform the legislature that the small amount it costs the government to fund the MAA program is repaid in huge benefits for schools and children. The funding also allows schools to more effectively guarantee that no child is left behind. Quite frankly, the services we have been able to secure for our students through the MAA program will cease as there is no other means to make-up the shortfall that will be created with loss of the MAA program.

Sincerely,

  
Ellen McArron

Dunsmuir High School  
5805 High School Way  
Dunsmuir, CA 96025

**Dunsmuir High School**  
**(530) 235-4835**  
**(530) 235-2224 fax**

**5805 High School Way**  
**Dunsmuir, CA 96025**

**Dunsmuir Community Day School**  
**(530) 235-2225**  
**(530) 235-2224 fax**



# ORANGE UNIFIED SCHOOL DISTRICT

Education Center

1401 North Handy Street • Orange, CA 92867-4334  
www.orangeusd.k12.ca.us

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*Member*

October 29, 2007

The Honorable Michael O. Leavitt  
Secretary  
U.S. Department of Health and Human Services  
Attention: CMS-2287-P, Mail Stop S3-14-22  
7500 Security Boulevard  
Baltimore, MD 21244

Subject: Stop CMS-2287-P

Dear Secretary Leavitt:

As Superintendent for the Orange Unified School District, California, I am writing to respectfully urge you to stop implementation of CMS-2287-P.

Orange Unified School District earned \$177,473 through California School-Based Medi-Cal Administrative Activities (SMAA) performed during the 2004/2005 fiscal year, the most recent year claimed. The revenue has enabled our district to continue identifying children for Medi-Cal and connecting them to appropriate health services in school and in our community.

Loss of the SMAA revenue would substantially reduce our ability to fund school health support staff as well as disaster supply equipment.

Thank you for your time and consideration.

Sincerely,

Thomas A. Godley, Ed.D.  
Superintendent of Schools

TAG/vw

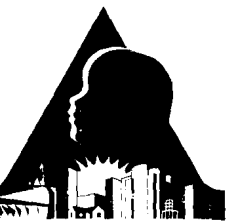
Superintendent  
of  
Schools

Thomas A. Godley, Ed.D.

714.628.4040

714.628.4041 (FAX)

godley@orangeusd.k12.ca.us



Great Place to Learn!

# ANAHEIM CITY SCHOOL DISTRICT

SUPERINTENDENT  
Sandra Barry

BOARD OF EDUCATION  
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Susan Preus  
Jerry Silverman  
James Vanderbilt

October 30, 2007

100

Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Attention: CMS-2287-P, Mail Stop S3-14-22  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Secretary Leavitt:

**RE: Stop CMS-2287-P**

As Superintendent of Anaheim City School District, California, I am writing to respectfully urge you to stop implementation of CMS-2287-P.


Anaheim City School District earned \$140,367 through California School-Based Medi-Cal Administrative Activities (SMAA) performed during the 2004-05 fiscal year, the most recent year claimed. The revenue has enabled our district to continue identifying children for Medi-Cal and connecting them to appropriate health services in school and in our community.

Losing the SMAA funds would have a great impact on the district. Because of the restrictions placed on LEA billing a couple of years ago (mainly that we can no longer bill for vision and hearing screening), our revenue has gone from over \$250,000 per year to an average of about \$20,000. This means that SMAA is our main source of funding (approximately \$130,000-150,000 per year). The following salaries are taken from SMAA:

- One full-time nurse
- One full-time comprehensive health services assistant for LEA and SMAA billing. (This allows us to do our own billing and not use an outside vendor, thus keeping more of our revenue.)
- One 3 hour office assistant for OT/PT.
- One 3 hour instructional assistant for the transition class. This additional person has made all the difference in keeping the students in this class stable.

Other smaller things are funded as well, but the loss in personnel would have a great impact on the district.

Respectfully,

  
Sandra Barry  
Superintendent

SEB:taj  
c:\mydata\worddocs\letters\cms-2287-p.doc

101 S. East Street  
Anaheim, CA 92805-5749

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# Claiborne County School District

Annie Kilcrease, Ph.D., Superintendent

404 Market Street ~ Port Gibson, MS 39150  
Ph: (601) 437-4232 ~ Fax: (601) 437-4409  
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Board of Education:  
Janice Gray, President  
Josie McClorine, Vice-President  
Adell Watts, Secretary  
Johnny Brown, Member  
Addie Harvey, Member

25 October 2007

Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Attention: CMS-2287-P  
Mail Stop S3-14-22  
7500 Security Boulevard  
Baltimore, MD 21244

RE: Proposed Rule on Medicaid School-Based Administrative Claiming

Dear Sirs:

I am compelled to comment on the above referenced proposed ruling change, on behalf of the Claiborne County School District. Presently, our school district participates in the Medicaid School-Based Administrative Claiming Program. As a result, our Medicaid-eligible students receive desperately needed outreach, screening, case management, transportation and other administrative services. Minus the program, budgetary constraints would greatly hamper provision of such services. We are hopeful that the financial and operational support currently being provided will continue.

We do recognize that controls and monitoring mechanisms are required to ensure operational efficiency; ultimately for the benefit of all participants. Our State Department of Education, through its Office of Health Schools, has already put such controls in place. Additionally, they provide on-going training, oversight and support to participating school districts.

Please rest assured that our sole concern is providing school health and administrative services to our students, in the best educational environment possible. Participating in the Medicaid School-Based Administrative Claiming Program contributes significantly to our holistic approach to this endeavor. By the same token, the loss of the program would cause serious financial hardships and would create a vacuum in services available to our students that we might not be able to overcome.

Your reconsideration is greatly appreciated.

Respectfully,

Dr. Annie Kilcrease  
Superintendent of Education



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**The Importance of Medi-Cal Administrative Activities Funding  
Siskiyou County Office of Education**

Medi-Cal Administrative Activities (MAA) Funding is a critical source of revenue for school health related services in our rural and geographically large county. Until MAA Funding was available, school's had very little monetary resources for health related activities/services that are so important for academic success and are often required for the school to provide under the Individuals with Disabilities Education Act.

Our district schools and the Siskiyou County Office of Education (SCOE) are using MAA funds to help pay for school nurses and counselors. Through LEA Medi-Cal Billing and the MAA program, nurses and counselors provide medical and psychological services for our students at the school sites. We also refer students and their families to other medical providers and services.

The SCOE has also used the funding to maintain our highly effective and state of the art HIV program that provides classroom presentations by school nurses, HIV positive presenters, and peer presenters that are trained by our HIV Coordinator. We use the funds for much needed school health related trainings and resources such as books and curriculum. This year, some school districts are planning on using MAA money to help finance a mobile dental van that will provide dental care to students with severe dental problems who have not been able to access dental care.

Money from LEA Medi-Cal Billing has been used to hire a speech therapist for our remote schools on the Klamath River so that the preschool and school age students can receive speech therapy services that are an important part of their achieving academic success.

Please consider the negative impact the loss of MAA and LEA Billing Programs would have on the health and educational success of the children of Siskiyou County.

Sincerely,

Kathy Casey, RN, MSN  
Health Services Director  
Siskiyou County Office of Education  
609 S. Gold St.  
Yreka, CA. 96097  
(530)842-8425  
[kcasey@sisnet.ssku.k12.ca.us](mailto:kcasey@sisnet.ssku.k12.ca.us)

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September 17, 2007

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Dear CMS and Secretary Leavitt,

As the principal of a small rural school, with a large special needs and seasonally employed population, MAA dollars are imperative if we are to help bridge the gap. Ensuring that these children and their families can get the necessary medical and mental health needs they might not otherwise.

Many of our families survive on a single income or work only seasonally (usually four to five months) depending upon the weather. This financial situation in conjunction with our rural isolation hinder families from knowing or accessing the benefits offered through Medi-Cal or its programs.

Having the local school as an initial outreach and liaison for parents with the farther reaching medical community is essential if we hope to have all children and their families receive and take advantage of all that Medi-Cal has to offer. Without the bridge from school to home and school to the wider medical community many of these families do not realize that they qualify for medical, dental, or mental health services. Nor do they know about the low cost health insurance through Medi-cal/Healthy Families.

The monies our school receives through the MAA program enables us to stay abreast of new programs, trainings, and materials. We in turn pass this information on to parents and families apprising them of services available; safeguarding the future of our communities, keeping children and families healthy.

Without this invaluable network I'm sure many families and children would not receive regular or adequate healthcare. Please re-think your stance on MAA, this funding is crucial in maintaining a health news dissemination network and structure that reach lower income and rural communities and their families.

Sincerely,



Cherie L. Donahue  
Principal, Cox Bar Elementary School

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**Humboldt Unified School District #22**  
**Special Services Office**

Date: 8-25-07

To: The Honorable Michael Leavitt

Fax #: 282 698-7203

Number of pages including cover: 1

2007 OCT -3 PM 9:09

From: Kay B. Turner, Ed. D  
Director of Special Services

CMS 2287

Message: Please don't move forward  
with CMS 2287.

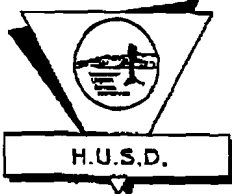
Dr. Kay Turner  
Humboldt Unified  
School District

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**Fax Cover Sheet**



**Kay B. Turner**  
**Director of Special Services**  
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Prescott Valley, AZ 86314  
Phone: (928) 759-4040  
Fax: (928) 759-4030  
Email address:  
turner@humboldtunified.com



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252 Waterford Street, Edinboro, Pennsylvania 16412-2315

**NORTHWEST TRI-COUNTY INTERMEDIATE UNIT**

PHONE 814-734-5610

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FAX 814-734-5806

TTD 814-734-1098

<http://www.iu5.org>

November 5, 2007

Leslie V. Norwalk, Acting Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS-2287-P, Mail Stop S3-14-22,  
7500 Security Boulevard, Baltimore, MD 21244

Re: File Code CMS-2287-P  
Proposed Amendments to Medicaid Implementing  
Regulation, 42 C.F.R. §§ 433.20 and 440.170

Dear Ms. Norwalk:

We represent the Northwest Tri-County Intermediate Unit ("IU5"), a regional public education agency that serves thousands of children with disabilities in Erie, Crawford, and Warren Counties, Pennsylvania. IU5 and the 17 public school districts that it serves in meeting the needs of preschool and school-age children with disabilities are deeply concerned by the curtailment of the Medicaid program embodied in the proposed revision of Sections 433.20 and 440.170 of the Medicaid implementing regulations. The intent of Congress could not be clearer concerning the overlapping responsibilities of the Medicaid program and the public schools to meet the needs of children with disabilities, and these proposed revisions could not more blatantly contravene that intent.

In both Section 1903(c) of the Social Security Act and, more recently, in Section 612(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. § 1412(a)(12), Congress has plainly recognized that federal and state funding sources other than public education are available to meet the often extraordinary costs of providing special education and related services to children with disabilities, and that these other funding sources, expressly including Medicaid, are to be the sources of *first* resort for these children.

In the case of administrative costs, the revision not only fails to assign responsibility where Congress plainly intended it to be assigned, it fails also to serve the purpose that CMS proposes in its analysis: "the proper and efficient administration of the State plan." 72 FED. REG. No. 173, at 51398 (Sept. 7, 2007). The Secretary does not "question the legitimacy of the types of Medicaid administrative activities provided in schools," *id.*, but has apparently determined that such administrative activities are more efficiently performed by state and local Medicaid agency staff. In reality, however, the assignment of administrative duties to Medicaid staff will simply establish a duplicate bureaucracy at the state and federal levels, not, as the Secretary intends, promote "efficient administration of the State plan." The staff who provide services in the public schools to children who are both disabled within the meaning of the IDEA and eligible for Medicaid are the occupational therapists, physical therapists, speech and language therapists, behavior specialists, mobile therapists, and orientation and mobility trainers, among others, who are either employees of, or contractors for, the various local education agencies.

Leslie V. Norwalk, Acting Administrator

November 5, 2007

Re: File Code CMS-2287-P

Page 2

They therefore necessarily fall within the supervisory responsibility of special education or student services administrators employed by those agencies, a responsibility that cannot be ceded to non-educators employed by state and local Medical Assistance Offices. The proposed regulation thus will have the inevitable effect of encouraging the establishment of an additional state and local bureaucracy for the purpose of overseeing Medicaid paperwork and billing by public school employees and contractors without eliminating the existing bureaucracy within the public schools that supervises the work of these same employees and contractors. Such redundancy hardly promotes efficiency."

Specialized transportation services for children with disabilities falls squarely within the definition of "related services" under the IDEA, *see* 34 C.F.R. § 300.34(c)(16), as does every other form of Medicaid-supported school-based program or service. Neither the proposed revision to Section 440.170(a)(1) nor the commentary accompanying it offers the slightest basis for distinguishing transportation from other historically-recognized school-related Medicaid services. Indeed, CMS continues to recognize the importance of funding community-based specialized transportation for purposes other than public school attendance. Such service is critical to the development of independence and integration of persons with disabilities into the community. For most school-aged children with disabilities, school is not only an important but is often the *only* means of community contact and integration. The proposed revision shifts the enormous burden of this critical service entirely onto the state and local education system without any corresponding upward adjustment of federal support under the IDEA or other education programs. This concentration of fiscal burden is exactly what Congress sought to avoid by enacting the aforementioned provisions of both the Social Security Act and the IDEA.

We appreciate the opportunity to offer our concerns to you. We hope you will receive them as they are intended: a good faith effort to work with CMS as a fiscal and programmatic partner in meeting the needs of the most vulnerable in our society.

Very truly yours,



Jeffrey B. Zibelman  
Director of Special Education

Dr. Marjorie Wallace, Executive Director  
Mr. William Nichols, Assistant to Executive Director  
IU5 SPED Supervisors



Allegheny Intermediate Unit

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SERVICES, RESOURCES, AND RESEARCH FOR EDUCATION

**VIA FEDERAL EXPRESS**

November 5, 2007

Leslie V. Norwalk, Acting Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS-2287-P, Mail Stop S3-14-22,  
7500 Security Boulevard  
Baltimore, MD 21244

Re: File Code CMS-2287-P  
Proposed Amendments to Medicaid Implementing  
Regulation, 42 C.F.R. §§ 433.20 and 440.170

Dear Ms. Norwalk:

We represent the Allegheny Intermediate Unit (AIU), a regional public education service agency that serves thousands of children with disabilities in Allegheny County, Pennsylvania. The AIU and the forty-two public school districts that it serves in meeting the needs of preschool and school-age children with disabilities are deeply concerned by the curtailment of the Medicaid program embodied in the proposed revision of Sections 433.20 and 440.170 of the Medicaid implementing regulations. The intent of Congress could not be clearer concerning the overlapping responsibilities of the Medicaid program and the public schools to meet the needs of children with disabilities, and these proposed revisions could not more blatantly contravene that intent.

In both Section 1903(c) of the Social Security Act and, more recently, in Section 612(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. § 1412(a)(12), Congress has plainly recognized that federal and state funding sources other than public education are available to meet the often extraordinary costs of providing special education and related services to children with disabilities, and that these other funding sources, expressly including Medicaid, are to be the sources of *first* resort for these children.

In the case of administrative costs, the revision not only fails to assign responsibility where Congress plainly intended it to be assigned, it fails also to serve the purpose that CMS proposes in its analysis: "the proper and efficient administration of the State plan." 72 FED. REG. No. 173, at 51398 (Sept. 7, 2007). The Secretary does not "question the legitimacy of the types of Medicaid administrative activities provided in schools," *id.*, but has apparently determined that such administrative activities are more efficiently performed by state and local Medicaid agency staff. In reality, however, the assignment of administrative duties to Medicaid staff will simply establish a duplicate bureaucracy at the state and federal levels, not, as the Secretary intends, promote "efficient administration of the State plan." The staff who provide services in the public schools to children who are both disabled within the meaning of the IDEA and eligible for Medicaid are the occupational therapists, physical therapists, speech and language therapists, behavior specialists, mobile therapists, and orientation and mobility trainers, among others, who are either employees of, or contractors for,

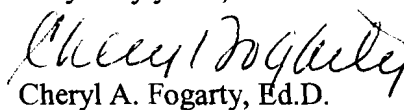
the various local education agencies. They, therefore, necessarily fall within the supervisory responsibility of special education or student services administrators employed by those agencies, a responsibility that cannot be ceded to non-educators employed by state and local Medical Assistance Offices. Thus, the proposed regulation will have the inevitable effect of encouraging the establishment of an additional state and local bureaucracy for the purpose of overseeing Medicaid paperwork and billing by public school employees and contractors without eliminating the existing bureaucracy within the public schools that supervises the work of these same employees and contractors. Such redundancy hardly promotes "efficiency."

The Secretary appears to justify the proposed change as much on "inconsistent application of Medicaid requirements by schools," *id.*, as on inefficiency. The commentary accompanying the regulations offers absolutely nothing to substantiate this accusation of "inconsistency." If, however, public school administrators are more "inconsistent" in applying Medicaid guidelines than state and local Medicaid staff, the solution appears rather straightforward: provide the same training and information to local education agencies that CMS has provided, and presumably still provides, to Medicaid staff.

Specialized transportation services for children with disabilities falls squarely within the definition of "related services" under the IDEA, *see* 34 C.F.R. § 300.34(c)(16), as does every other form of Medicaid-supported school-based program or service. Neither the proposed revision to Section 440.170(a)(1) nor the commentary accompanying it offers the slightest basis for distinguishing transportation from other historically-recognized school-related Medicaid services. Indeed, CMS continues to recognize the importance of funding community-based specialized transportation for purposes other than public school attendance. Such service is critical to the development of independence and integration of persons with disabilities into the community. For most school-aged children with disabilities, school is not only an important but is often the *only* means of community contact and integration. The proposed revision shifts the enormous burden of this critical service entirely onto the state and local education system without any corresponding upward adjustment of federal support under the IDEA or other education programs. This concentration of fiscal burden is exactly what Congress sought to avoid by enacting the aforementioned provisions of both the Social Security Act and the IDEA.

We appreciate the opportunity to offer our concerns to you. We hope you will receive them as they are intended: a good faith effort to work with CMS as a fiscal and programmatic partner in meeting the needs of the most vulnerable in our society. If you have any questions or concerns about these comments, do not hesitate to contact Dr. Cheryl Fogarty, Director of Educational Services and Support Division, Allegheny Intermediate Unit, at (412)394-5779.

Very truly yours,



Cheryl A. Fogarty, Ed.D.

Director, Educational Services and Support  
Division

cc: Dr. Donna Durno, Executive Director  
Mr. Alan Friedman  
Allegheny County Superintendents and  
Administrators of Special Education